

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

EMIL P. MILYAKOV and
MAGDALENA A. APOSTOLOVA,

No. C 11-02066 WHA

Plaintiffs,

v.

JP MORGAN CHASE, N.A., HSBC BANK
USA, N.A., CALIFORNIA RECONVEYANCE
COMPANY, PAUL FINANCIAL, LLC, MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS, INC.,
and FOUNDATION
CONVEYANCING, LLC,

Defendants.

**ORDER DENYING AS
MOOT PLAINTIFFS'
MOTION FOR AN
EXTENSION OF TIME TO
REPLY TO DEFENDANTS'
REQUEST FOR
ADDITIONAL TIME TO
COMPLY WITH OSC
COURT ORDER OF
FEBRUARY 24, 2012.**

Plaintiffs Emil P. Milyakov and Magdalena A. Apostolova have submitted a “motion for an extention [sic] of time to reply to defendants’ request for additional time to comply with the OSC court order of Febr. 24, 2012” (Dkt. No. 123). The issue is that defendants failed to timely comply with this Court’s order dated February 24, 2012, to submit supplemental briefing by noon on February 29, 2012. On March 1, 2012, however, defendants filed a request for additional time to comply with the order dated February 24, indicating new defense counsel did not receive notice of the order the day it issued because it was filed prior to new defense counsel being listed for CM/ECF service. The request also explained that defense counsel only became aware of the order on February 29, when plaintiffs emailed defense counsel about lack of compliance with the deadline (Dkt. No. 120 at 3).

1 Defendants requested an extension of time to submit supplemental briefing. An order
2 issued on March 2, extending the deadline for defendants to submit supplemental briefing to
3 March 9, 2012. After that order issued, plaintiffs filed the instant motion. Plaintiffs request an
4 extension of time to March 9, to “reply to defendants’ request for additional time to submit
5 supplemental briefing” (Dkt. No. 123). That issue is moot in light of the order granting
6 defendants an extension of time to March 9, to submit supplemental briefing, which is necessary
7 to resolve the pending motion to dismiss. Thus, plaintiffs’ request is **DENIED AS MOOT.**

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IT IS SO ORDERED.

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Dated: March 5, 2012.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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